

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**May 29, 2003**

DIVISION ONE

B157939      John Cosgrove, et al.                      (Not for Publication)  
                 v.  
                 Guiseppe Joseph Antonelli, et al.

The order is reversed and on remand the trial court is directed to grant the special motion to strike the first amended complaint, including the request for costs and attorney fees. Appellants shall also recover costs and attorney fees on appeal, the amount of which shall be determined by the trial court.

Mallano, J.

We concur:    Spencer, P.J.  
                         Ortega, J.

B157540      LaBrecque    (Not for Publication)  
                 v.  
                 Gott

The judgment is modified to reflect that on the breach of contract claim defendant owes plaintiff only the principal sum of \$29,565. Thus, the total judgment payable to plaintiff by defendant is \$29,565, plus interest at the rate of 10 percent from June 19, 2001 to the date of entry of the judgment, January 23, 2002, which interest shall be calculated anew by the trial court on remand. As modified, the judgment is affirmed. The parties are to bear their own costs on appeal.

Spencer, P.J.

We concur:    Ortega, J.  
                         Vogel (Miriam A.), J.

May 29, 2003 (Continued)

## DIVISION ONE (Continued)

B152720 People (Not for Publication)  
v.  
Lung Ly

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Mallano, J.

B155149      Sturdy      (Not for Publication)  
v.  
Levitch et al.

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

B160282	Moghadam v. Danpour
B162159	Moghadam v. Danpour

Filed order consolidating above captioned appeals.

DIVISION TWO

B152156 Benetic Financial Corporation  
v.  
Wedgwood Retirement Inns, Inc., et al.

Filed order denying petition for rehearing.

## DIVISION THREE

B155806 People (Not for Publication)  
v.  
Wolik

The judgment is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B142515      Richard R. Merritt      (Not for Publication)  
v.  
Gail J. Merritt

The judgment is affirmed. Costs on appeal to attorney Soodik.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

B161592      John and Jana L.                      (Not for Publication)  
v.  
Tina L.,  
In re Sarah L.

The judgment is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B158485 Los Angeles County, D.C.S. (Not for Publication)  
B160049 v.  
Roger E. and Queen E.

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

### DIVISION THREE (Continued)

[illegible]

The judgments are modified as follows. Appellant Johnson's sentence on count 4, for attempted carjacking, is modified to reflect a consecutive term of 10 months plus a consecutive enhancement of three years, four months pursuant to section 12022.53, subdivision (b). (1170.1, 1170.11). Appellant Hart's sentence on count 4 is modified to reflect a consecutive enhancement of four months pursuant to section 12022, subdivision (a)(1). The clerk of the superior court is directed to prepare modified abstracts of judgment and to forward copies to the Department of Corrections. In all other respects, the judgments are affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

B155831 People (Not for Publication)  
v.  
Shihadeh, et al.

We order the trial court to modify the minute order pertaining to defendant Cooper's sentence to reflect that Cooper shall pay the direct restitution fine of \$2,000 to the victim, Roberto Chavez, and delete the portion of the minute order requiring payment to the Bureau of Automotive Repair. In all other respects, the judgments are affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

B151898 People (Not for Publication)  
v.  
Chaparro

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

May 29, 2003 (Continued)

## DIVISION FIVE

B163255 People (Not for Publication)  
v.  
Johnson

The judgment is affirmed.

Grignon, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

## DIVISION SIX

Court convened at 9:39 AM

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J., and J. Terry, Deputy Clerk.

B162996 Department of Social Services v. Wendy P.

Argument waived, cause submitted.

B155555 Dawn D.  
v.  
Regents of the University of California

Merits:  
Argued by Mark S. Cornwall for appellants and by Karen Peabody for respondents. Cause submitted.

B155330      Fell  
v.  
Fell

Merits:  
Argued by Kent L. Richland for appellant and by Patricia L. Glaser for respondent. Cause submitted.

DIVISION SIX (Continued)

B151626      State of California  
                 v.  
                 Bello's Sporting Goods  
                 California Institute of Technology (Amicus Curiae)

Merits:

Argued by Wendy C. Lascher for appellant and by Neil S. Tardiff for respondent. Charles R. Halloran appeared for Amicus Curiae but did not argue. Cause submitted.

B153803      Board of Trustees for the San Luis Obispo Co. Pension Trust  
                 v.  
                 Mercer

Merits:

Argued by Eric J. Van Vugt for appellants and cross-respondents and by Thomas F. Winfield III for respondents and cross-appellants. Cause submitted.

Yegan, J. leaves bench.

B158375      Woodard  
                 v.  
                 Bunnin Resale Center, Inc.

Merits:

Argued by Creighton Anthony Stephens for appellant and by William Carlos Makler for respondent. Cause submitted.

Court adjourned at 12:21 PM

DIVISION SEVEN

B164375      Parris, et al.      (Certified for Publication)

v.  
Superior Court, Los Angeles County  
(Lowe's HIW, Inc. , r.p.i.)

The order to show cause is discharged and petition for writ of mandate is granted. The matter is remanded to the trial court with directions to vacate the orders denying petitioners' motion, and for further proceedings not inconsistent with this opinion. Petitioners are to recover their costs.

Perluss, P.J.

We concur:   Johnson, J.  
                     Munoz, J. (Assigned)

B164025      People      (Not for Publication)

v.  
Morgan

The judgment is affirmed.

Perluss, P.J.

We concur:   Johnson, J.  
                     Munoz, J. (Assigned)

B155418      Mansell

v.  
Otto

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

May 29, 2003 (Continued)

DIVISION EIGHT

Court convened at 9:04 A.M.

Present: Cooper, P.J., Rubin, J., Boland, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B156798 People v. Carpenter  
B161302 People v. Martinez  
B158058 People v. Lopez & Rangel  
B149643 People v. Alarcon & Lozano  
B159664 Fox v. Perelman  
B161097 DCFS v. Eloy D.  
B161488 DCFS v. Calvin R.  
B161967 DCFS v. Delilah A.  
B159601 People v. Brown  
B160373 People v. Collins  
B158050 Allen v. Hindin  
B158546 San v. Chao

Argument waived, cause submitted.

B155739     Durant  
              v.  
              Los Angeles Unified School District, et al.

Merits:  
Argued by Marc A. Karlin for appellant and by Kenneth P. Scholtz for respondents. Cause submitted.

B157700     Jones, et al.  
              v.  
              Sauer, et al.

Merits:  
Argued by Robert D. Rapp for appellant and by Karen L. Ho for respondents. Cause submitted.



DIVISION EIGHT (Continued)

B156362     Farnham, et al.  
              v.  
              Chase Homes, Inc., et al.

Merits:  
Argued by David Huffaker for appellants and by Edward D. Vaisbort for respondents. Cause submitted.

B157852     People  
              v.  
              Pina

Merits:  
Argued by Richard Power for appellant and by Robert C. Schneider, Deputy Attorney General for respondent. Cause submitted.

B157737     Design Collection, Inc.  
              v.  
              Jerine, et al.

Merits:  
Argued by Sandra Khalili for appellant and by Ted H. Luymes for respondents. Cause submitted.

B157019     Kunert, et al.  
              v.  
              Mission Financial Services Corp.,  
              Money Store Auto Finance, Inc.

Merits:  
Argued by Louis M. Marlin for appellants and by Jan T. Chilton and Robin Campbell for respondents and appearance only by Paula Harrelson . Cause submitted.

Court recessed at 12:26 P.M.

DIVISION EIGHT (Continued)

Court reconvened at 1:21 P.M.

Present: Cooper, P.J., Rubin, J., Boland, J. and Emma Jean Amos, Deputy Clerk.

B157632     People  
              v.  
              Budneam

Merits:  
Argued by Matthew G. Monforton, Deputy District Attorney for appellant  
and by Joanna McKim for respondent. Cause submitted.

B156821     Duquette  
              v.  
              Sun Valley Post N. 250

Merits:  
Argued by Derek L. Tabone for appellant and by Guillermo Schnaider for  
respondent. Cause submitted.

B156059     Seiger  
              v.  
              McCullough  
              In The Matter Of The Estelle Seiger Trust

Merits:  
Argued by Mark Moktarian for appellant and by Lauriann Wright and Paul  
Thomas Gaulke for respondents. Cause submitted.

B153932     Avila  
              v.  
              Jado Properties, Inc.,  
              Del Real

Merits:  
Argued by Danillo Becerra and George B. Pacheco for appellants and by  
Orly Degani for respondent. Cause submitted.

May 29, 2003 (Continued)

## DIVISION EIGHT (Continued)

B150646      Steen  
v.  
Public Guardian  
Conservatorship Of Allen

Merits:  
Argument waived, submission deferred pending the filing of a letter brief by appellant.

Court adjourned ate 3:03 P.M.

B155966 People (Not for Publication)  
v.  
Reed, et al.

Whitmore's abstract of judgment shall be modified to reflect presentence custody credit of 557 days actually served. In all other respects, the judgments are affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.